REMARKS

The foregoing amendment to the specification and the following remarks are being submitted in response to the Final Office Action issued on September 24, 2004 (Paper No. 14) in connection with the above-identified patent application, and are being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 1 and 3-6 remain pending in the present application, and stand rejected. The specification has been amended to add information relating to related applications. Applicants respectfully submit that no new matter has been added to the application by the amendment.

Applicants respectfully request reconsideration and withdrawal of the final rejection of the claims consistent with the following remarks.

The Examiner has objected to the disclosure for the reason that application numbers for related applications are missing at page 1. Accordingly, Applicants have amended the specification to add such information.

The Examiner has finally rejected claims 1 and 4-6 under 35 USC § 103(a) as being obvious over Merchant et al. (U.S. Patent No. 5,581,366) in view of Kane et al. (U.S. Patent No. 5,315,635). Applicants again respectfully traverse the § 103(a) rejection of such claims 1 and 4-6.

Claim 1 recites a cradle and a portable communications device (PCD), where the PCD includes an externally accessible port from which communications data is accessible. The cradle is sized to accept and in fact accepts the portable communications device (PCD) therein and has a port connector coupling with the externally accessible port of the accepted

PCD, such that the externally accessible port provides the cradle access to communications data from the PCD.

A network connector of the cradle couples the cradle and by extension the accepted PCD to a second network, and a network communications device of the cradle interfaces between the port connector and the network connector, where the network communications device is a modem. The cradle is constructed such that a positive connection between the externally accessible port of the PCD and the port connector is achieved upon accepting the PCD in such cradle. The PCD is normally in radio communication with a first network but such PCD is currently out of radio communication with the first network, and the cradle couples the accepted and currently out of radio communication PCD to the first network by way of the second network.

That is, with the cradle of claim 1, the PCD is coupled to a central facility to exchange data with such PCD, and the PCD and central facility are normally so coupled by way of the first, radio network. However, when not so coupled because the PCD is out of radio communication with the first network, the PCD may nevertheless be coupled to a second network, which in turn is coupled to the first network, which in turn is coupled to the central facility such that the PCD is once again coupled to the central facility, but this time by way of both the first and second networks.

As was previously pointed out, the Merchant reference discloses a fax pager 12 that can be accepted into a cradle 13, whereby the fax pager 12 can receive data by way from a call terminal 28 by radio communication, and that when cradled can be employed to send a fax to the call terminal 28 by way of a network interface 24 which may be the public switched telephone network. However, and as the Examiner admits, the Merchant reference

fails to disclose or even suggest that the cradle 13 can or should be employed to connect the fax pager 12 with the call terminal 28 by way of the network interface 24 when the fax pager 12 is out of radio communication with the call terminal 28. Nevertheless, the Examiner argues that the Kane reference discloses or suggests such a feature.

As was also previously pointed out, the Kane reference discloses a message communication system whereby a pager 130 is in radio communication with a terminal 102 by way of a radio path B and may also be in wire-line communication with the terminal 102 by way of a wire path A. As set forth in the Kane reference, radio path B has the advantage that the pager 130 is not tethered to a particular wire-line, that the terminal need not maintain a particular channel for the pager 130, and that the bandwidth is higher. Similarly, wire path A has the advantage that the quality of the connection is high and that therefore less paging messages fail to go through. Column 7, lines 9-63.

However, and significantly, the Kane wire path A is a parallel path to the Kane radio path B, and as such both paths A, B extend to the terminal 102. More to the point, the wire path A does not couple to the radio path B in a serial manner, as is required by claim 1, and in fact appears to be completely separate from such radio path B. As may be appreciated, by coupling wire path A directly to the terminal 102 in parallel with radio path B, such terminal 102 must now include facilities to interface with such wire path A and also must include facilities to interface with the radio path B.

In contradistinction, the central facility of the present invention as recited in claim 1 interfaces only with the first, radio network and therefore need not include the additional expense of interfacing with the second network. Instead, the second network allows access to

the central facility by being coupled to the first network, which is already coupled to such central facility in a serial manner.

To summarize, then, the Kane reference utterly fails to recognize that the pager 130 should or could communicate with the terminal 102 by way of the wire path A in the instance when the pager 130 is out of radio communication with the radio path B in a serial manner such as is required by claim 1 of the present application. That is, the Kane system envisions that the wire path A operates in parallel with the radio path A so that message throughput and quality is enhanced. In contradistinction, the Kane reference does not at all appreciate that the wire path A should or could be employed serially with radio path B when such radio path B is not locally available to the pager 130.

Thus, neither the Merchant nor the Kane references suggest or disclose that a portable communications device (PCD) that is normally in radio communication with a first network employ a second network in a serial manner to communicate with the first network, as is required by claim 1, or that a cradle be employed to receive such PCD and as coupled the cradle effectuates communication with the first network by way of the second network in a serial manner when the PCD is out of radio communication with the first network, as is also required by claim 1. Thus, Applicants respectfully submit that such references cannot be combined to make obvious claim 1 or any claims depending therefrom, including claims 4-6. Therefore, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 1 and 4-6.

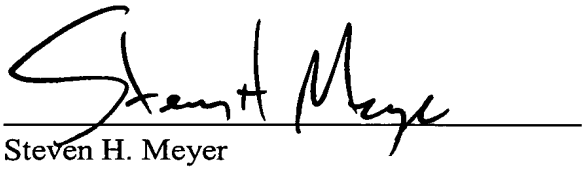
The Examiner has rejected claim 3 under 35 USC § 103(a) as being obvious over the Merchant and Kane references and further in view of Vaid (U.S. Patent Application

Publication No. 2002/0091843). Applicants respectfully traverse the § 103(a) rejection of such claim 3.

Applicants respectfully submit that since independent claim 1 is unanticipated and has been shown to be non-obvious, then so too must all claims depending therefrom, including claim 3, be unanticipated and non-obvious, at least by their dependency. Therefore, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claim 3.

In view of the foregoing Amendment and Remarks, Applicants respectfully submit that the present application, including claims 1 and 3-6, is in condition for allowance, and such action is respectfully requested.

Respectfully Submitted,



Date: December 17, 2004

Steven H. Meyer
Registration No. 37,189

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439